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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,825	03/08/2004	Morteza Cyrus Afghahi	13435US04	2778
23446	7590	04/18/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			WELLS, KENNETH B	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400				
CHICAGO, IL 60661			2816	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

B) ✓

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/795,825	AFGHAHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth B. Wells	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1)  Responsive to communication(s) filed on 01 March 2006.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4)  Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1 and 5-8 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a)  All b)  Some \* c)  None of:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

1. Applicant's response filed on 3/1/06 has been received and entered in the case.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pilo et al.  
See paragraph three of the office action mailed on 12/01/05 for the details of this rejection.
4. Applicant's arguments filed on 3/1/06 have been fully considered but they are not persuasive.

Applicant's first argument is that reference nodes 101 and 102 do not perform the function/operation as the references node of applicant's claim 1. This argument is not persuasive because it is incorrect, i.e., in Pilo et al, charge is clearly stored at these nodes due to the action of capacitors 56 and 57 (in the same manner as applicant's capacitor 1026).

Applicant's second argument is that amplifier 25 of Pilo et al is a differential amplifier and therefore does

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not use a reference voltage. This argument makes no sense, i.e., applicant's sense amplifier is also a differential amplifier, and therefore the examiner sees no distinction.

The third argument is that the sampling circuit of Pilo et al does not supply the input signal to a reference node. This argument is also not persuasive because it is again not correct (note the details of the rejection and also the discussion above).

The fourth argument is that the examiner "mischaracterizes" applicant's claims because claim 1 recites that the timing circuit activates the sampling circuit before measurement of the input signal being initiated. This argument also makes no sense because the limitation now being argued was not even present in the previous claims, and therefore it makes no sense to argue that the examiner "mischaracterized" a limitation that did not even exist at the time the rejection was made. In any event, no difference is seen between what is recited in claim 1 and the circuitry shown in Fig. 1 of Pilo et al. Therefore, the rejection is still deemed to be proper under 35 U.S.C. 102(b) and is thus maintained.

Applicant's final argument, set forth on the last 12 lines of page 3 of the response, is similarly not

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persuasive because it too makes no sense. The transmission gates 40, 43 and 52 of Pilo et al clearly must be activated prior to allowing the input signals to pass through to the sense amplifier so that the sense amplifier can (at a later point in time) perform the measurement of the input signal (i.e., the differential sensing operation). It is suggested that applicant carefully reread both the outstanding grounds of rejection, and also the teachings of Pilo et al, as applicant has apparently misconstrued both.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the

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statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to

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the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kenneth B. Wells*  
Kenneth B. Wells  
Primary Examiner  
Art Unit 2816

April 14, 2006